



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

May 20, 2014

Certified Return Receipt
7011 2970 0001 8828 2310

Brett Bryson
Wasatch Mountain Excavating
905 North Main, Suite C3
North Salt Lake City, Utah 84054

Vern Tharp
Moss Rock Products LLC
5040 Acoma Street
Denver, Colorado 80216

Subject: Notice of Intent to Forfeit Sureties, and Fines and Fees Due; Wasatch Mountain Excavating, Elite Rock West, S/049/0050, and Barney Mine, S/049/0065; Moss Rock Products LLC, Klingon Mine, S/049/0060; Utah County, Utah

Dear Messrs. Bryson and Tharp:

Based on the requirements of R647-3-112, the Division of Oil Gas and Mining (Division) required reclamation of the above-mentioned permitted mine sites in 2013. An extension was given to Wasatch Mountain Excavating to complete the work by April 30, 2014. The failure to complete the reclamation work in the time allowed has resulted in enforcement of forfeiture of the reclamation surety together with assessment of the Division's costs. To date the following permit fees and penalties are owed to the Division:

Elite Rock West S/049/0050

Overdue Permit Fees: 2007, 2009, 2010, 2012, 2013 totaling \$750.

Civil Penalty for MC-2007-01-16 proposed assessment on November 20, 2007, totaling \$484.

Klingon Mine S/049/0060

Overdue Permit Fees: 2010, 2012, 2013 totaling \$450.

Civil Penalty for MC-07-01-15 finalized assessment on June 18, 2008, totaling \$1,430.

Barney Mine S/049/0065

Overdue Permit Fees: 2010, 2012, 2013 totaling \$450.

Based on the failure to pay permit fees, the Division withdraws the Notices of Intention to Commence Small Mining Operations. You have the right to appeal this decision to the Board of Oil, Gas and Mining. **If you desire to appeal, please file a Request for Agency Action no later than June 9, 2014.**

Page 2 of 2

Brett Bryson and Vern Tharp

S/049/0050, S/049/0060, and S/049/0065

May 20, 2014

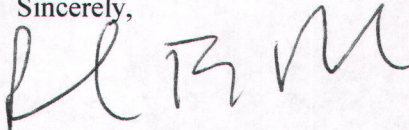
Utah Code Ann. Sections 40-8-9.1 and 40-8-9(4)(a) allows the Division to refer unpaid fines to the Utah Attorney General's Office for payment collection in district court and the seek the necessarily relief to abate the ongoing violation.

This matter has been forwarded to the Attorney General's Office for injunctive and collection proceedings. **Fines associated with outstanding permit fees and penalties are due immediately.** Utah Code Ann Section 40-8-9(3)(b) states that an "operator who fails to correct a violation shall be assessed a civil penalty of not less than \$750 for each day during which the failure or violation continues".

As a result of the failure to reclaim by the April 30, 2014, deadline, the Division is pursuing bond forfeiture proceedings in accordance with rule R647-3-112. Forfeiture proceedings will take place before the Utah Board of Oil, Gas and Mining on a date to be announced.

Please contact me at 801-538-5261 or April Abate at 801-538-5214 with questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P B Baker', written in a cursive style.

Paul B. Baker

Minerals Program Manager

PBB: aa: eb

cc: Peter Gordon, pete@doublediamond.ws

Peggy Kelsey, Utah County (peggyk@utahcounty.gov)

P:\GROUPS\MINERALS\WP\M049-Utah\S0490050-EliteRockWest\final\intentforfeit-05132014.doc